**THE HON'BLE SRI JUSTICE N.V.RAMANA**

**Writ Petition No. 17866 of 1998**

**Date: 09.11.2006**

**Between:**

T. Nooka Raju, s/o Bullabai, aged 36 years and another.

**.....PETITIONERS**

**AND**

The Superintending Engineer (Operation), APSEB, Visakhapatnam and another.

**....RESPONDENTS**

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**THE HON'BLE SRI JUSTICE N.V.RAMANA**

**Writ Petition No. 17866 of 1998**

**Order**:

Questioning the action of the respondents in not considering the case of the petitioners for absorption/appointment in the initial recruitment cadre, as per B.P.Ms.No.36, dated 18-05-1997 on the ground that they were under aged at the time of their initial engagement as Casual Labours/Village Electricity Workers, the present writ petition is filed.

2. When the matter is taken up for hearing today, it is submitted by the learned Standing Counsel for the respondents and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the orders of the apex Court in Civil Appeal No.3215 of 2002 and batch, dated 18.04.2002, wherein the apex Court considered similar issue and disposed of the Civil Appeals with the following observations.

> "In our view, in the petitions before the High Court there was no question of considering public policy and the discussion on the law was totally besides the point involved in the matter. Limited issue was – whether before regularization of service of employees, the Board was bound to follow the eligibility conditions laid down in its proceedings dated 18.05.1997 and 31.12.1997. Benefit of regularization which was conferred on the employees solely depended upon eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of age. In cases, where the Board has committed mistake in engaging under-age casual employees or has permitted the contractor to do so would not

confer any right on such employees for being regularized on the basis of BPMS dated 18.05.1997.

In this view of the matter, the judgment rendered by the High Court cannot be sustained and is, therefore, set aside.

However, considering the fact that the respondents/casual employees/employees of the contractor/junior linemen are in service for more than 15 years, we do not think that this would be a fit case for disturbing their appointments made in pursuance of the order passed by the High Court.

Ordered accordingly. Appeals stand disposed of."

3. In the circumstances, this writ petition is also disposed of in terms of the orders passed in Civil Appeal No.3215 of 2002 and batch, dated 18.04.2002. No costs.

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**N.V. RAMANA, J.**

Date: 09.11.2006
Nsr/Grk